

28398

Attorney Docket No.: 219507-000031

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: Dale C. McCarthy

Serial No.: 09/330,381

Filed: June 11, 1999

Art Unit: 2839

Examiner: Khiem M. Nguyen

Confirmation No.: 9335

For: BATTERY TERMINAL

CUSTOMER NO. 28465

Commissioner for Patents
P.O. 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

February 11, 2004

Date

Carol Aleman

Signature

February 11, 2004

Date of Signature

**CORRECTED SUPERCEDING TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 CFR 1.321(b))**

Sir:

In response to the Office Action of January 28, 2004, I, Joel Bootzin, declare as follows:

1. I am an attorney of record for the assignee, Centerpin Technology, Inc., who remains the owner of U.S. Application Serial No. 09/330,381 filed June 11, 1999, for BATTERY TERMINAL (the "Pending Application").

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2. The Pending Application is a continuation-in-part of U.S. Patent Application Serial No. 08/999,356 filed December 29, 1997, now U.S. Patent No. 5,775,934.

3. The assignee continues to be the sole owner of U.S. Patent No. 5,775,934 issued May 26, 1998.

4. The applicant disclaims the terminal part of any patent granted on Application Serial No. 09/330,381 filed June 11, 1999 which would extend beyond the expiration date of the full statutory term as defined by 35 USC 154 through 156 and 173, as presently shortened by any previously filed terminal disclaimer, of U.S. Patent No. 5,775,934.

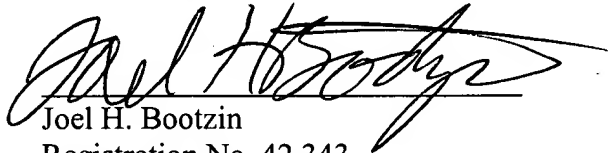
5. The applicant agrees that any patent so granted on the Pending Application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,775,934, this agreement to run with any patent granted on the pending application first identified above and to be binding upon the assigns.

6. The applicant does not disclaim any terminal part of any patent granted on the Pending Application prior to the expiration of the full statutory term of U.S. Patent No. 5,775,934, in the event that such patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any other terminal disclaimer, except for the separation of legal title stated above.

7. The Director of the United States Patent and Trademark Office is hereby authorized to deduct \$110.00 from Deposit Account No. 18-2284 to cover the fee for filing a Terminal Disclaimer under 37 CFR 1.120(d).

The Director of the United States Patent and Trademark Office is also hereby authorized to deduct any deficiency or credit any overpayment to Deposit Account No. 18-2284 of Piper Rudnick. A duplicate is provided herewith.

Respectfully submitted,


Joel H. Bootzin
Registration No. 42,343

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February 11, 2004